

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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RowVaughn Wells, Individually and as  
Administratrix of the Estate of Tyre Deandre  
Nichols, Deceased,

Plaintiff,

v.

The City of Memphis, Tennessee; Chief Cerelyn  
Davis; Emmitt Martin III;  
Demetrius Haley; Justin Smith;  
Desmond Mills, Jr.; Tadarrius Bean;  
Preston Hemphill; Robert Long;  
JaMichael Sandridge; Michelle Whitaker;  
DeWayne Smith,

Defendants.

CASE NO. 2:23-CV-02224  
JURY DEMAND

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**CITY DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE REPLY IN  
SUPPORT OF MOTION TO VACATE PLAINTIFF'S IMPROPER  
CONFIDENTIALITY DESIGNATIONS**

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Defendants, the City of Memphis ("the City"), Chief Cerelyn Davis in her individual capacity ("Chief Davis"), and Dewayne Smith as Agent of the City of Memphis ("Lt. Smith") (collectively, "the City Defendants"), by and through counsel and pursuant to Local Rule 7.2(c), hereby file this Motion for Leave to File Reply in Support of Motion to Vacate Plaintiff's Confidentiality Designations and state as follows:

1. On January 22, 2025, the City Defendants filed their Motion to Vacate Plaintiff's Improper Confidentiality Designations. (*See* ECF Nos. 286, 287.) One version of the City

Defendants' Motion was filed publicly (with redactions), and one version was filed under seal (without redactions).

2. On February 5, 2025, Plaintiff filed a Response in Opposition to City Defendants' Motion to Vacate Plaintiff's Improper Confidentiality Designations. (*See* ECF Nos. 294, 295.) One version of Plaintiff's Response in Opposition to City Defendants' Motion was filed publicly (with redactions), and one version was filed under seal (without redactions).

3. The City Defendants seek to reply to Plaintiff's arguments, including, but not limited to, Plaintiff's arguments: (1) that the City Defendants have waived their right to challenge certain confidentiality designations, (2) that the City Defendants have designated large amounts of documents they have produced as confidential, and (3) that the City Defendants intend to or are attempting to poison the jury pool. Such arguments are aligned with the purpose of a reply memorandum. *See Parchman v. SLM Corp.*, No. 2:15-cv-02819-JTF-cgc, 2018 WL 11416566, at \*2 (W.D. Tenn. July 3, 2018) (stating "the purpose of a reply brief is to allow the movant to rebut the non-movant's response, thereby persuading the Court that the movant is entitled to the requested relief").

4. Good cause exists to support this motion for leave. For the City Defendants to fully and adequately address the issues raised in Plaintiffs opposition to the City Defendants' Motion, a reply brief is necessary.

5. If the Court grants City Defendants leave to file a reply, the City Defendants respectfully request that they be allowed up to and including Friday, February 14, 2025, to file their Reply in Support of Motion to Vacate Plaintiff's Improper Confidentiality Designations.

6. The City Defendants Motion for Leave is unopposed. On February 7, 2025, the City Defendants consulted all parties to this lawsuit to inquire as to their position on the relief

requested in this motion for leave. Counsel for Plaintiff, Defendant Whitaker, Defendant Justin Smith, Defendant Hemphill, Defendant D. Smith, Defendant Sandridge, and Defendant Long have indicated that they are not opposed to the relief requested in this motion. The remaining parties have not responded to the City's request for consultation.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

*s/ Bruce McMullen*

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*Attorneys for Defendant City of Memphis,  
Chief Cerelyn Davis in her Individual  
Capacity, and Dewayne Smith as Agent of  
the City of Memphis*

**CERTIFICATE OF CONSULTATION**

I, Bruce McMullen, hereby certify that on February 7, 2025, counsel for the City Defendants consulted with counsel for the various parties via email regarding the relief sought in this Motion. The Parties were asked whether they oppose the relief requested in this Motion. A chart detailing the parties' responses is below:

<b>Party</b>	<b>Responding Counsel</b>	<b>Opposition?</b>
Plaintiff	Joshua Levin	None
Hemphill	Betsy McKinney	None
D. Smith	Betsy McKinney	None
J. Smith	Martin Zummach	None
Long	Darrell O'Neal	None
Sandridge	Laura Smittick	None
Whitaker	Robert Spence	None
Haley	No Response	N/A
Bean	No Response	N/A
Martin III	No Response	N/A
Mills, Jr.	No Response	N/A

s/ Bruce McMullen  
Bruce McMullen

**CERTIFICATE OF SERVICE**

I, Bruce McMullen, hereby certify that on February 10, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bruce McMullen  
Bruce McMullen